

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	
	)	Hon. Basil H. Lorch III
	)	

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**LIMITED OBJECTION OF FIFTH THIRD BANK TO THE FOURTH INTERIM  
APPLICATION OF DEVELOPMENT SPECIALISTS, INC. FOR COMPENSATION  
AND REIMBURSEMENT OF EXPENSES AS CONSULTANT FOR JAMES A.  
KNAUER, CHAPTER 11 TRUSTEE**

By and through undersigned counsel, Fifth Third Bank hereby files its Limited Objection to the Fourth Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee (“Fourth Interim Application”) (Dkt No. 2172). In support of this Limited Objection, Fifth Third Bank respectfully states as follows:

Fifth Third Bank submits this Limited Objection solely to: (a) ensure that a reserve or holdback of twenty-percent (20%) is established which might protect the estate from distributions on account of fees and expenses which may ultimately be disallowed upon final application; and (b) to reserve all of its rights to object to such fees at the final fee hearing, notwithstanding not raising detailed objections at this time. It is common practice for many bankruptcy courts, and indeed is common practice in this Court, to withhold 20% from interim fee allowances pending a final approval of fees. The utility of the practice is obvious, as it is far easier to make adjustments regarding as yet unpaid fees than it is to collect fees that have already been paid.

WHEREFORE, for the foregoing reasons, Fifth Third Bank respectfully requests that any order on the Fourth Interim Application clearly specify that: (a) approved fees and expenses are approved on an interim basis only, without prejudice to the rights of any party in interest to object to the allowance of such fees or expenses upon final application; and (b) any distribution on account of fees approved on an interim basis be subject to a holdback, with the remaining twenty-percent (20%) of interim-approved fees to be distributed only upon entry of a final order approved after notice and hearing upon a final fee application. In addition, Fifth Third Bank requests that such Order be applicable to all further interim fee applications from any professional seeking to be paid from the bankruptcy estate.

Dated: June 10, 2013

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of June, 2013, a copy of the foregoing *Limited Objection* was filed and served electronically through the Court's CM/ECF System to the following parties who are listed on the Court's Electronic Mail Notice List. Parties may access this filing through the Court's ECF System.

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